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Damaged Bread. Kakaako Salt, per Bag or Ton.

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PURE FRESH MILK, IN QUANTITIES TO SUIT! At Six Cents per Quart. SF To large customers, such as Hotel and Restaurant thepsen, Schu of War, do., he will make special contracts at LOW PULCES.
Orders given to John, who has charge of the MRT Viso. or left at the International Hotel, will be promptly attend-ed in. [888 5m] AKONG, Proprietor.

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INK! INK!! JUST BECKEVED FROM LONDON, A LOT of Shepher's BLACK WHITING INK, the best ever offered in the market. For sale by SN-im]

THE GREAT CENTENNIAL HAWAIIAN GAZETTE

AN INDEPENDENT JOURNAL, DEVOTED TO HAWAIIAN PROGRESS.

Supreme Court of the Hawalian Is-

lands-July Term, 1875, KAHOOMANA (w.) vs. W. L. MOEHONUA, Mosister of Interior,-Jury Waterd.

Orision by June, J:

sion of the premises upon which the government previous to the year 1829, Manuia, and his wife Kaupesa,) both of whom were chiefs and retain. award of this lot by Namauu. ers of Kamehameha II.) on coming from Hawaii to Oahu with the King, settled upon this lot, it being at that time unoccupied. In 1829 Manuia and Kaupena went with Boki on the Sandalwood expedition, from which Kaupens returned, bringing the dead body of her husband which she buried on this spot, and continued her residence opon it. In 1832 she married Huakini, they continuing to live on the premises. Kaupena died in 1856, leaving no heirs but her husband Huakini, who in 1858, married the plaintiff Kaboomana. Some years after this Huakini died, leaving a half brother, P. Nahaolelua and his widow the plaintiff, as his heirs. The plaintiff continued her residence upon this place until 1872, when she was dispossessed by Kamehameha V.

The plaintiff claims that her possession and that of her ancestors, thus traced, was continuous, notorious and peaceable, and undisturbed until 1872, and therefore she has acquired a title to these premises as against the government as against third parties.

The defence claim that Namaus, who was the brother of Kanpena, lived continuously upon this lot from the time of the Sandalwood expedition and claimed it as his own, and that he died in 1848, leaving this lot, as well as considerable other property, to the late M. Kekuanaoa, whose property is now inherited by Ruth Keelikolani, and who has conveyed all her rights in this property to the Hawaiian Government. The will of Namauu leaves all his property to Kekuanaoa, as we have said, but does not mention this lot specifically.

The plaintiff contends that Namauu was sent for, on the departure of Manuia and Kanpena on their foreign voyage, to come and live upon this lot and take charge of it as well as care for the family retainers, and that his occupation was ander and by permiss on of Kanpena. It is in evidence that in 1854. Kekunnaoa built a house upon this lot for his daughter, the late Princess Victoria Kamamaia, and that she and her guardian, the late John Ii, also resided upon this place. John Ii continued it as a residence after the majority and removal of his ward from the premises until his death, which occured in 1870. The defence have put in evidence Royal Patents the No. 1089, to M. Keknanaoa, and No. 5636, to late King His Mujesty Lunalilo, which together with the Conveyance of the Oabu Charity School lot comprise the entire frontage of these premises. and the chain of title under these patents to the Government is complete. As to the remaining and larger part of the lot, it is not covered by property of the public." any award of the land commission, royal patent or deed from the King. We have detailed the history of the conflicting claims in this case because it was upon them that the evidence was tion of the Land Commission as evidence of title run against a state. If a contrary rule was sancto land acquired anterior to that date, for the tioned, it would only be necessary for intruders dence of the previous possession, among other sion until the Statute of limitations shall run; pand : Vide page 109, vol. I of Statutes of 1846, title against the government, and all persons in accordance with the principles established by main would been be appropriated by adventurers. the Civil Code of this Kingdom in regard to prescription, occupancy, fixtures, native usages in regard to landed tenures. &c., &c : which decisions being of a majority in number of said Board, shall be only subject to appeal to the Supreme Court as prescribed in the act to organize the the Statute never operates against the governjudiciary, and when such appeal shall not have ment."

been taken they shall be final." All claims to land accruing previous to December 10th, 1845, were required to be presented to the Land Commission for adjudiention: Vide page 107, vol. 1, Statutes of 1846: "Sec. I. His Majesty shall appoint through the Minister of the Interior and upon consultation with the Privy Council, five commissioners, one of whom shall be the Attorney General of this Kingdom. to be a board for the investigation and final ascertainment or rejection of all claims of private individuals whether natives or foreigners, to any landed property acquired anterior to the passage of this get; the awards of which board, unless appealed from as bereinafter allowed, shall be binding upon the Minister of the Interior and

This act passed the Legislature the 10th day day of December, 1845. On the 9th of February, 1846, the commission-

ers were appointed, and on the 11th of February. 1846, they published the following notice: Islands: The undersigned have been appointed

of December, A. D. 1845, &c., &c., &c.

Section 8 of the act of 1845, being Article IV. locality is a sure measure of its prosperity. of the board of commissioners to quiet land titles, reads as follows :

ing resolution of the Legislative Council:

carefully considered, it was

Resolved; That the same are hereby approved; be tested by those principles, and according to and vicious ammement. The domestic cat is them be confirmed or rejected. KAMEHAMEHA. KEONI ANA.

Council House, Honolula, Oct. 26th, 1846." Neither Kaupena, Namauu, Kekumpaoa por any person received an award for this lot, (ex-This is an action of electment for the possesomidings are situated, commonly called Mililani. patents above mentioned) though the counsel who fairly "faces the music," pays his subscrip The plaintiff claims title as follows: That for the plaintiff, after their case had closed,

The Land Commission, however, did not award | happyit; and by the force and effect of the Statutes above quoted, it must be considered to still be

long to the Government. This is substantially the view taken by the Court is a former adjudication in regard to these same premises, in the suit of Kanaina vs. Long, (January term, 1872.) It was there decided that a building lot or town lot, as sometimes called, formed a new class of real property, not affected by the rules of the ordinary kuleanas. that is, that such a lot, if it escheats for want of heirs, escheats to the state and not to the lord of the shupuas, and upon a failure of title, the lot " might be recovered by the Hawaiian Government, but never by the lord of Waikahaluju." See Keelikolani vs. Robinson, 2 Haw'n., 548.

The theory of titles by prescription, is that the holding possession of an estate openly and adversely for a certain length of time, creates an oference that there was a grant from the adverseclaimant or his abcestors or granters, and the Statute of limitations forbids the adverse claimant from setting up against this long continued possession, the fact that there was no grant.

But as against the Government, from whom all the titles in this Kingdom emanate, a grant cannot be presumed or inferred from long possession in the teeth of the law which regired claimants to land to present their claims to the Land Commission for confirmation or rejection.

As stated in the case of Kanaina vs. Long this board, (the Land Commission) was a Court of record, and here was the adjudication of which all parties in interest were obliged to take notice. But, it may be urged that the length of adverse possession since the closing of the Land Commission creates the inference of a grant. To this the answer is complete. There is no pre-

scription against the state. "Quod nullum tempus occurrid regi." "A state cannot be disseized," 2 Washburn, R. D. n. 525 In Gibson vs. Chouteau, 13 Wallace 92, (1871) Mr. Justice Field says : " It is a matter of common knowledge that statutes of limitation do not run against the state. That no laches can be imputed to the King, and that no time can bar his rights, was the maxin of the common law, and was founded on the principle of public policy, that as he was occupied with the cares of Government, he ought not to suffer from the negligence of his officers and servants. The principle is applicable to all governments, which must necessarily act through numerous agents, and is

essential to a preservation of the interests and See also United States vs. Hear, 2 Mason 311. The People vs. Gilbert, 18 Johnson, 227. Stoughton et al. vs. Baker, et al. 4 Mass., p. 528 In Lindsey vs. Miller's Lessee, 6 Peters, 672, offered, but we do not regard the evidence of Mr. Justice McLean says : "It is a well settled possession of this lot previous to the organiza. principle, that the Statute of limitations does not ements of title, upon which to base grants to and then they would become invested with the Sec. VII. The decision of said Board shall be claiming under it. In this way, the public do-Indeed, it would be utterly impracticable, by the use of any power within the reach of the government, to prevent this result. It is only necessary, therefore, to state the case, in order to show the wisdom and propriety of the rule that

> For the reason, therefore, that the mere possession of this lot by the plaintiff, and her ancestors makes no presumption of a grant as against the government, judgment must be rendered for the detendant.

ELISHA H. ALLEN, CHAS. C. HABRIS, A. FRANCIS JUDD. A. Kalauli and J. K. Unanna for plaintiff; the Attorney General for the defendant.

Honolulu, August 28th, 1875.

Newspapers and Periodicals.

An American might be defined by naturalists as an animal who lives upon vegetable, farinaceous and animal food-and newspapers and periodicals. His daily and weekly journals are as indispensable to him as his daily bread and his Sunday dinner. If he misses his paper, he is a lost man. Deprive him of his natural pabulum for w few days and he becomes lank and melancholy. "To all claimants of lands in the Hawaiian like that lion the old settlers of Plymouth saw, which, having lost his jackal, " had become so by His Majesty the King a Board of Commis- poore" as to excite their pity. When he is resioners to investigate and confirm or reject all stored to his paper, he fastens on it with the voclaims to land arising previously to the 10th day racity of a famished wolf. The church, school and printing office spring up simultaneously in "All persons are required to file with the every new settlement-the Holy Alliance of Board by depositing with its Secretary specifics- clergyman, school-master and editor being everytions of their claims to land, and to adduce the where recognized as essential to the onward evidence upon which they claim title to any land march of civilization. We never take up one of in the Hawaiian Islands, before the expiration of the little frontier papers, printed only on wraptwo years from this date ; or in default of so do- ping paper, with worn out type, without a feeling ing, they will after that time be forever barred of of kindly respect. Such papers increase in size all rights to recover the same in the Courts of and style with the enlargements of the settlement they illuminate, and the newspaper of any

If a man who makes two blades of grass to spring up where only one grew before, deserves "All claims to land, as against the Hawaiian | well of his country, what reward would and Government, which are not presented to said should be his who starts a newspaper for the first Board within the time, at the place and in the time in a howling wilderness? A free press in manner prescribed in the notice required to be the van of civilization is of more account than an given in the fifth section of this article, shall be "army with henners." A family group, gathered seemed to be invalid, and shall be forever barred round a blazing fire of wood and coal, upon a in law, unless the claimants be absent from the rainy evening, is a pleasing preture. But with Kingdom, and have no representative therein." all the appliances for comfort, what is home with-In the principles adopted by the board of com- out a paper, not only to while away the tedium missioners to quiet land titles, in their adjudica- of long winter evenings, but to aid in the great tion of claims presented to them, it is laid down, business of family instruction and mental improve (page 93 of the 2d vol. Statute of 1846.) that ments? Books are good, and books do much the titles of all lands, whether rightfully or wrong- but they cannot accomplish everything. They fully claimed, either by natives or foreigners, in | deal more with the past than the present, and the entire Kingdom, which shall not have been that training is of little value which does not emresented to the Board of adjudication, confirms- brace the every day affairs of the world going on tion or rejection, on or before the 14th day of around us. A newspaper is the contemporary Pebruary. 1848, are declared to belong to this history of the world me live in. Its greatness Government by section 8th of the article creating and its littleness, its guiety and its gravities, its sins and sorrows, its occupations and amusements, These principles were made low by the follow- its warnings and its hopes are there spread out before us. Gathering within its ample pages the "The principles adopted by the board of com- treasures of the east and west, the north and missioners to quiet land titles under date of Au- south, as fast as the united agencies of wind, gust 20th, 1846, having been read before the steam and electricity can bring them to a focus,

Nobles and Representatives of the people in it affords the very material wherewith to form Legislative Council assembled, and having been practical men and women of this growing genera-

No man can be uninformed who takes and and it is enacted that from the date hereof, all reads a weekly paper. The children of such a claims for landed property in this Kingdom shall | man will not be found hankering after frivalous such a family will never be found abbreviated of her caudal appendage, or scouring wildly through the kitchen with a pyrotechnic apparatus affixed to that useful member. Peace takes up her abode on the hearthstone of the man who takes cepting the portions comprized by the royal a paper-not from a neighbor's doorstep-but one tion like a man, and enjoys the advantages of his showed the Court's copy of an application for an weekly sheet, because he is fairly entitled to them. Therefore, step up, subscribe and be

What a Drunken Bear Did.

When the Eastern editorini party were at the

summit lately, a number of them, who had been aformed as to the amusing performances of the large cionamon bear kept at Cardwell's Hotel, expressed a desire to see him accomplish his feat. of drinking a glass of whisky, and Cardwell, to oblige them, ordered the keeper of the animal to take him into the saloon, where the barkeeper promptly prepared a whisky punch and placed it on the counter before him. The bear placed his orepaws on the edge of the counter, and drank the liquid with apparent relish, many of the excursionists meanwhile patting him or feeling of his coat. The glass having been drained of its contents, the barkeeper compounded a second punch and passed it to the bear with his left and, but at that moment one of the bystanders playfully took the bear by the car. The beast, becoming enraged instantaneously, seized the barkeeper's hand, sinking his teeth deep in the fleshy portion of it, and attempting meanwhile to pull him over the counter. The keeper best the bear over the head to make him let go, but without the desired effect. The barkeeper drew a revolver and pointed it at the animal's head, but did not dare to fire, fearing the shot might not be fatal, and that matters might be made worse, and some of the bystanders would also have used their revolvers but for the same reason. A scene of intense excitement prevailed. All efforts to make the bear loose his hold failed, and in the end the hand had to be pulled by main force out of his jaws, causing terrible laceration, strings of flesh hanging down as the hand was finally withdrawn. The bear now grew much more violent, and the crowd of ladies and gentlemen that had filled the saloon became panic-stricken and fled in all directions, the men shouting and the women screaming. The keeper, however, having hold of the bear's chain, took a turn around a post supporting the ceiling of the spartment, and kept him from doing further hurt, and finally after receiving a severe beating, he was removed to his cage. A physician who accompanied the excursionists, did honor to his profession by remaining and dressing the barkeeper's wounded hand while the others were dispersing. The barkeeper, whose wonderful nerve and courage were commented upon admiringly by all-be having scarcely changed color notwithstanding the intense pain -expressed his determination to kill the bear, but the keeper and others opposed him, and he then gave up his situation at the house in disgust .- Cal, paper.

The Encalyptus Tree.

Increasing attention is being bestowed on that

curious and important tree the Equalyptus. Experience, wherever the tree has been planted, confirms its claims to be a vegetable neutralizer of those miasuratic emanations from certain kinds Land Commission was authorized to take evicauses of intermittent and other malarious fevers. This has been proved by interposing these trees between any population or locality, where such fevers were scarcely ever absent and the source whence such morbiferous emanations were carried. Whereas the Cinchona tree has given to man the various salts of quinine which are considered specifics for the cure of intermittents when introduced into the system, the Eucalyptus may be considered to act by removing the febrile and anemic causes and rendering a locality healthy which before was invariably unhealthy. Whether it does so by absorbing into itself the mephitic gasses themselves or neutralizes them in some other way, science and observation have not yet decided. Of the effect however no one now doubts, and papers from different parts of the world mention the fact and call the attention of governments and municipalities to it. Prevention is always preferable to the best of cures. Quinine may arrest the phenomena of ague and fever in individuals subject to or attacked by it. In the absence of fever, however, in the district affected by malaria the morbid color of the menwomen and children living in it show the continued action of the cause. An agent that will parify the surrounding air as Eucalyptus is credited with doing, is the one thing needed. Although Panama is comparatively healthy for a tropical city, and has been rendered more so by the late improvements in architecture, in the streets and in the drains, it has been subject to various epidemics, and its sanitary condition varies more or less with the seasons. That there is always some malaria in its atmosphere is apparent to every medical observer. The introduction of the Eucalyptus in and about Panama were a consummation devoutly to be wished. Dr. Edward Wright, well known in this city, having obtained a quantity of the seeds of this valuable tree, has distributed them among several persons who have promised to contribute to its introduction by raising young plants from them. The seed may be planted in a box filled with a compact of vegetable soil mixed with course sand, and having holes drilled at the bottom to let away excess of water. The quantity of seed necessary for a thousand plants would be ten grammes. They may either be scattered or in lines and covered lightly with soil, and sprinkled with water daily ofter sugget. For the young plants when sufficiently strong to be transplanted, such a soil as that used for watermelons is beat, and they ought to be set out not less than a metre or more than five metres apart. A good deal of care will be necessary the first year; the plants when grown up will take care of themselves.—Panama Star.

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Assertment Fancy Prints, new styles, White Ground Prints. Black and White Prints, French Muelius, Heavy Blue Denime, plain and striped, Blue and White Striped Ticking. Brown Cottons, asserted qualities, Blue Cuttons, White Cottons,

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Heavy Woolen Biankets, Scarlet, Orange, Blue and Green, Fancy Flannel Shirts, Linen Shirts, Cetten do. Merino Finish Undershirts, Cotton Undershirts. Assorted Burlaps, French Caliskins,

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Steurine Candles, 4, 5, and 6 to a pound,

Assurtment of Blank Books, Press Copy Books, Shipping Reselpt Books. Assorted sixes Horse Kope, Hemp Packing, Spunyarn, Flag Line, Log Line, Marline and Housing.

Swedish Safety Matches, Deroe's Kerosene 007, in patent cans. Heldeleck & Co's Champagne, in qts and pts. Ruinart Pere & File' Champagne, do. do. Sparkling Hock, in quarts and pints, Genuine Hallands Gin, in jugs and backnis, Geonice Hollands Gin, le glass, green source, Soutellean & Co.'s Brandy, in cashs, German Ale and Lager Bier, in igts, and pts.

Asserted Clarets, very fine to ememon Liebfrauenmilch & Laubenheimer Rhine Wines. Small assertment of Hungarian Wines, Bitters, Aloubel in I gal. demijohns, 96 per cent. Gorman and Havana Cigars.

Empty Petrologue Barrale for Tallow Goptainers. Oak Boats for Coasters,

The above specified Goods, together with a well seorted Stock now an hand or Count arrivals, are offered for sale in quantities to suit the trade. mir Orders from the other Islands filled at lawest

Boutellean & Co.'s Brandy, in glass, I to 4 <> Jeffrey's Edinburgh Ale and Stout, que and pin-

> Fire Clay, Coal Tar, Stockholm Tar, Stockholm Pitch,

Etc., Etc., Etc., Etc., Eld., Eld., Etc., Rtc.

BEST CALIFORNIA OAT HAY-For Sale by

PACKED BY M. BERYLEMAN, AND WARRANTED For Ball by BOLLES & CO.